

Jan 04, 2018

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

JOSE JUNIOR ORDAZ,

Defendant.

No. 4:17-CR-6012-WFN-1

ORDER

A motion hearing was held January 3, 2018. The Defendant, who is in custody, was present and represented by Kenneth Therrien; Assistant United States Attorney Stephanie Van Marter represented the Government.

The Court addressed Defendant's Motion to Withdraw Guilty Plea. ECF No. 58. Defendant indicates that he would like to withdraw from his Plea Agreement because he wants to fight the charges. However, he acknowledges that no intervening circumstances arose since the time of his change of plea hearing to justify allowing withdrawal of his guilty plea. Further, he acknowledges he honestly admitted to the underlying facts during the plea colloquy and understood at the time of his change of plea that a mandatory minimum of ten years applies to his charges.

The parties discussed resetting the sentencing hearing to February 14, 2018; however, following the hearing Court staff discussed the timing with Probation Officer Valencia who indicated that date be too early to complete the PSR. The Court has reviewed the file and motions and is fully informed. This Order is entered to memorialize and supplement the oral rulings of the Court. Accordingly,

IT IS ORDERED that:

1. Defendant's Motion to Withdraw Guilty Plea, filed December 30, 2017, **ECF No. 58**, is **DENIED**. Defendant failed to provide a fair and just reason to withdraw his

1 guilty plea. Rather, he appears to be fearful of the consequences of the plea. He
2 acknowledges he was aware of the consequences at the time of his guilty plea.

3 2. The February 6, 2018 sentencing hearing date is **STRICKEN and RESET to**
4 **February 28, 2018, at 9:30 a.m., in Richland**, Washington.

5 3. The parties shall recalculate all deadlines as set out in the Court's Order Re:
6 Schedule for Sentencing, ECF No. 52, based on the new sentencing date.

7 The District Court Executive is directed to file this Order and provide copies to
8 counsel **AND TO** United States Probation Officer Carrie Valencia.

9 **DATED** this 4th day of January, 2018.

10
11 s/ Wm. Fremming Nielsen

12 WM. FREMMING NIELSEN

13 SENIOR UNITED STATES DISTRICT JUDGE

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